

REMARKS

This application has been reviewed in light of the Office Action dated October 3, 2007. Claims 44-49, 62, 63, 68, and 69 are presented for examination, of which Claims 44, 49, 62, 63, 68, and 69 are in independent form. Claims 50-61, 64-67, and 70-73 have been cancelled without prejudice or disclaimer of subject matter and will not be mentioned further. Claims 44-49, 62, 63, 68, and 69 have been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

Claims 44, 49, 62, 63, 68, and 69 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,687,742 (*Iwazaki*), in view of U.S. Patent No. 6,396,848 (*Ohta*), and Claims 45-48 were rejected under Section 103(a) as being unpatentable over those two documents in further view of U.S. Patent No. 6,327,046 (*Miyamoto et al.*). Applicants submit that independent Claims 44, 49, 62, 63, 68, and 69, together with the claims dependent therefrom, are patentably distinct from the cited prior art for at least the following reasons.

The aspect of the present invention set forth in Claim 44 is an image communication apparatus which is connected to a network that is capable of performing E-mail communication. The apparatus comprises a transmitting unit, adapted to send E-mail data accompanied by an image file, and a receiving unit, adapted to receive E-mail data. Also provided is a requesting unit, adapted to add, selectively, information for requesting a message disposition notification to the E-mail data to be sent to a receiver by the transmitting unit. The apparatus also has a communication managing unit, adapted to manage transmission management information of the sent E-mail data, and an analyzing unit, adapted to analyze how the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was processed by the receiver, based on the message

disposition notification included in the E-mail data received by the receiving unit. A judgment unit judges whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added succeeded, based on an analysis result provided by the analyzing unit, and a notifying unit notifies a user of the image communicating apparatus based on the transmission management information managed by the communication managing unit. The communication managing unit updates the transmission management information by information showing whether or not the transmission of the sent E-mail data succeeded, on the basis of a judgment result provided by the judgment unit. The notifying unit notifies the user of the image communicating apparatus whether or not the transmission of the sent E-mail data succeeded, on the basis of the updated transmission management information, so that the user of the image communicating apparatus can confirm whether or not the transmission of the sent E-mail data succeeded, without reading the message disposition information.

Among other notable features of Claim 44 are (1) the analyzing unit that analyzes how the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added was processed by the receiver, based on the message disposition notification included in the E-mail data received by the receiving unit; and (2) the judgment unit that judges whether or not a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added succeeded, based on an analysis result by the analyzing unit.

By virtue of these features of Claim 44 the apparatus unit analyzes how a transmission of sent E-mail data, to which information for requesting a message disposition notification (MDN) was added, was processed by a receiver based on the MDN, even if a user of

this apparatus does not read the MDN transmitted from the receiver. Thus, the user can confirm whether or not the transmission of the sent E-mail data succeeded. Further, the judgment unit judges whether or not the result of the transmission of the sent E-mail data, to which the information for requesting the MDN was added, succeeded based on the analysis result by the analyzing unit.

As disclosed at line 18 of page 17 to line 25 of page 18 of the specification, the header “Disposition:” included in the MDN describes the content indicating how the sent E-mail was processed by the receiver. This content includes various descriptions such as “displayed” (indicating that the sent E-mail was normally processed by the receiver), “denied,” and “failed” (indicating that the sent E-mail was not correctly processed on the receiver side). That is, even if a transmitter (sender) receives the MDN from the receiver, it cannot discriminate that the result of the sent E-mail, to which the request of the MDN was added, succeeded. Further, since the description contents in the MDN vary, a problem exists in that it is difficult for the user to understand whether or not the transmission of the sent E-mail succeeded, even if the description contents are directly recorded in communication management information or notified to the user as it is.^{1/}

As described above, the apparatus of Claim 44 first analyzes based on the MDN how the sent E-mail was processed by the receiver, and then judges, based on the analysis result, whether or not the result of transmission of the E-mail succeeded. Subsequently, the apparatus notifies the user, based on the judged result, whether or not the transmission of the sent E-mail succeeded. Accordingly, even if the user cannot understand the content of the MDN, he/she can

^{1/} It is of course to be understood that the claim scope is not limited by the details of this or any other particular embodiment that may be referred to.

easily know whether or not the transmission of the sent E-mail succeeded.

Iwazaki relates to a system in which a processing result on a reception side is recorded in a transmission history, the processing result being described in a response message (which for purposes of this discussion will be assumed to correspond to MDN). As Applicants understand the apparatus in *Iwazaki*, when a transmitter receives an MDN from a receiver, the transmitter records a processing result in a transmission history as it is, and records the capability of the receiver described in the MDN (if the capability is described in the MDN). Apparently, even if the transmitter in *Iwazaki* receives the MDN, it does not analyze, based on the MDN, how a sent E-mail was processed on a receiver side, and does not judge, based on an analysis result, whether or not a result of transmission of an E-mail succeeded. Moreover, the transmitter in *Iwazaki* does not notify, based such a judged result, a user whether or not the transmission of the sent E-mail succeeded, and does not update transmission management information based on such a judged result.

Nothing has been found in *Iwazaki* that is believed to teach or suggest the mentioned features of Claim 44. In particular, neither the analyzing unit, the judgment unit, nor the notifying unit of Claim 44 is seen to be suggested by anything in *Iwazaki*, since nothing in that patent appears to perform a judgment as to whether a result of the transmission of the sent E-mail data to which the information for requesting the message disposition notification was added succeeded, and still less would anything in that patent suggest any means for providing a user with a notification about such success or failure, based on such a judgment.

Further, Applicants understand the *Ohta* device as notifying a user of transmission results such as “OK” and “NO” (lines 16-22 of column 14, Fig. 9), but that patent appears to be silent as to does not disclose how the transmission results of E-mail are judged as being “OK” or

“NO”. Thus, nothing has been found in *Ohta* that is believed to teach or suggest the mentioned features of Claim 44.

It is respectfully submitted that nothing in either *Iwazaki* or *Ohta*, whether considered separately or in any permissible combination (if any), would teach or suggest the above mentioned features of the apparatus as recited in Claim 44.

Accordingly, Applicants submit that Claim 44 is patentable over the cited art.

The other independent claims are each a method or a computer memory medium claim corresponding to apparatus Claim 44, or are directed to an apparatus having features substantially like those discussed above in connection with Claim 44. Accordingly, each of the independent claims is thought to be allowable for at least the reasons discussed above in connection with Claim 44.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Therefore, all of the independent claims are believed patentable over the art of record.

The other claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Leonard P Diana/
Leonard P. Diana
Attorney for Applicants
Registration No. 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

NY_MAIN 622753v1